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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

DISABILITY RIGHTS OREGON,
METROPOLITAN PUBLIC DEFENDER
SERVICES, INC., and A.J. MADISON,

Plaintiffs,

v.

PATRICK ALLEN, in his official capacity as
head of the Oregon Health Authority, and
DOLORES MATTEUCCI, in her official
capacity as Superintendent of the Oregon State
Hospital,

Defendants.

Case No. 3:02-cv-00339-MO (Lead Case)
Case No. 3:21-cv-01637-MO (Member Case)

JOINT STIPULATION TO CONTINUE
APPOINTMENT OF NEUTRAL EXPERT

JAROD BOWMAN, JOSHAWN DOUGLAS-SIMPSON,

Plaintiffs,

v.

DOLORES MATTEUCCI, Superintendent of the Oregon State Hospital, in her individual and official capacity, PATRICK ALLEN, Director of the Oregon Health Authority, in his individual and official capacity,

Defendants.

Case No. 3:21-cv-01637-MO (Member Case)

Plaintiff Disability Rights Oregon (DRO), Plaintiff Metropolitan Public Defender (MPD), and Defendants Patrick Allen and Dolores Matteucci, on behalf of the Oregon Health Authority (OHA) and the Oregon State Hospital (OSH) and in their individual capacities, jointly move this Court for an order continuing Dr. Debra Pinals' appointment as a neutral expert in the above-captioned matters, to make further recommendations if needed to address capacity issues at OSH pursuant to the Interim Agreement executed by the parties on December 10, 2021.

On or before June 7, 2022, Dr. Pinals will have submitted her final report to this Court pursuant to its initial order appointing her in these matters. The parties agree that a neutral expert remains necessary to achieve compliance with the Court's orders regarding timely admissions to the Oregon State Hospital of persons found unable to aid and assist in their own defense under ORS 161.370 (Aid & Assist patients) as well as persons found to be Guilty Except for Insanity (GEI patients).

Therefore, the parties jointly move this Court for an order as follows:

1. Dr. Pinals shall remain as the independent expert managing ongoing discussions between the Plaintiffs and the Defendants and monitoring compliance with the recommendations set forth in the reports she has submitted to this Court. She will continue in this role as long as she assents, until Aid & Assist and GEI patients have been timely admitted to the Oregon State Hospital for a period of three months. For purposes of this paragraph, timely admission means within seven days of a state-court order delivered to OSH ordering a person's admission.

2. If needed, OHA will extend its contract with Dr. Pinals and will provide for her payment for the work involved.
3. OSH and OHA will continue to provide monthly progress reports to Dr. Pinals and the Plaintiffs regarding steps taken to achieve compliance, barriers to compliance, and status of achieving the next benchmark(s).
4. Beginning on September 7, 2022, Dr. Pinals will provide brief quarterly reports to update the Court regarding compliance status and any needed additional recommendations to address any barriers to achieving compliance.
5. Unless they otherwise agree, communications between the parties and Dr. Pinals that precede her reports submitted to this Court shall be considered and treated as confidential in furtherance of settlement negotiations.

6. Case No. 3:21-cv-01637-MO shall remain stayed at least until February 14, 2023, which is the last benchmark date included in Dr. Pinals' second report (dated June 5, 2022) to this Court.

DATED: June 7, 2022.

Respectfully submitted,

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